

# HOUSE BILL REPORT

## SHB 2223

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### As Passed Legislature

**Title:** An act relating to commercial driver's license applicants who operate commercial motor vehicles for agribusiness purposes.

**Brief Description:** Exempting applicants who operate commercial motor vehicles for agribusiness purposes from certain commercial driver's license requirements.

**Sponsors:** House Committee on Transportation (originally sponsored by Representatives Clibborn, Johnson and Morrell).

### Brief History:

#### Committee Activity:

Transportation: 2/24/09, 2/27/09 [DPS].

#### Floor Activity:

Passed House: 3/9/09, 95-1.

Senate Amended.

Passed Senate: 4/10/09, 46-0.

House Concurred.

Passed House: 4/20/09, 94-1.

Passed Legislature.

### Brief Summary of Substitute Bill

- Exempts until July 1, 2011, applicants for a commercial driver's license who operate a commercial motor vehicle for agribusiness purposes from the requirement of either successfully completing a course of instruction in the operation of a commercial motor vehicle or being certified by an employer as having the skills and training necessary to safely operate a commercial motor vehicle in order to obtain a commercial driver's license.

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### HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 24 members: Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong, Campbell, Cox,

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Eddy, Ericksen, Finn, Flannigan, Herrera, Johnson, Moeller, Morris, Rolfes, Sells, Simpson, Springer, Takko, Upthegrove, Wallace, Williams and Wood.

**Minority Report:** Without recommendation. Signed by 1 member: Representative Klippert.

**Staff:** David Munnecke (786-7315)

**Background:**

The operation of commercial motor vehicles is regulated under both state and federal law. In order to operate a commercial motor vehicle in Washington, a person generally must hold a commercial driver's license with the applicable endorsements for the vehicle he or she is driving. However, this requirement does not apply to the following persons:

- a firefighter or law enforcement officer operating emergency equipment who has completed an approved driver training course;
- the operator of a recreational vehicle used for noncommercial purposes; or
- the operator of a farm vehicle controlled and operated by a farmer. The vehicle itself must also be used to transport agricultural products, farm machinery, or farm supplies to or from a farm. Finally, the vehicle may not be used in the operations of a common or contract motor carrier, and it must be used within 150 miles of the person's farm.

To receive a commercial driver's license from Washington, an applicant must be a resident of the state, pass knowledge and skills tests that comply with minimum federal standards, and successfully complete a course of instruction in the operation of a commercial motor vehicle that has been approved by the Director of the Department of Licensing (DOL) or be certified by an employer as having the skills and training necessary to safely operate a commercial motor vehicle.

The DOL may waive the requirement for instruction in the operation of a commercial motor vehicle for an applicant that has been issued a valid commercial driver's license in another state and is transferring to Washington.

**Summary of Substitute Bill:**

Applicants for a commercial driver's license who operate a commercial motor vehicle for agribusiness purposes are exempted from the requirement of either successfully completing a course of instruction in the operation of a commercial motor vehicle that has been approved by the Director of the DOL or being certified by an employer as having the skills and training necessary to safely operate a commercial motor vehicle in order to obtain a commercial driver's license. The exemption expires July 1, 2011.

Agribusiness is defined for purposes of the exemption described above as a private carrier who in the normal course of business primarily transports:

- farm machinery, farm equipment, and other materials used in farming;
- agricultural inputs such as seeds, feed, fertilizers, and crop protection products; or

- unprocessed agricultural commodities, which are defined as plants or parts of plants, animals, or animal products, produced by farmers, ranchers, vineyardists, or orchardists.

A private carrier is defined in statute as a person who transports by his or her own motor vehicle, with or without compensation, property which is owned or is being bought or sold by the person, or property where the person is the seller, purchaser, lessee, or bailee and the transportation is incidental to and in furtherance of some other primary business conducted by the person in good faith.

The Department of Licensing is required to report to the transportation committees of the Legislature by January 1, 2010 with recommendations regarding the continuation of the exemption created by the act.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) There is currently an exemption for agribusiness in rule, and this bill would extend the exemption in statute. Washington agricultural exports play a critical role in the state and agriculture is currently doing better than many other sectors. Last year there were \$14 billion in exports from the state, which is a 60 percent increase over last year and third among the 50 states.

Agribusiness is deeply intertwined with the agricultural industry in that it provides necessities such as seeds, fertilizers, and farm equipment. Many agribusinesses purchase commercial trucks, but they only use the trucks for a portion of the year. The agribusiness community is comfortable with the commercial driver's license testing program, but it is concerned about a 160-hour training requirement for individuals who are only going to be working for a couple of weeks during the planting and harvesting seasons. The drivers already receive training from the companies that they work for prior to coming to Olympia to take the knowledge and skills test.

Drivers applying through this exemption would have a "z" designation on their commercial driver's license, and would be in violation of the license if they were hauling goods that were not part of an agribusiness.

(With concerns) The DOL has not yet taken applications from drivers seeking to utilize the exemption currently in rule. Once drivers begin to apply for the exemption, the intent of the DOL is to have one employee in Olympia to check with the businesses to ensure that the applicant qualifies. The DOL estimates that it could see up to 1,500 applicants a year for the exemption, who would be eligible to operate any type of commercial vehicle if they received a license.

The DOL is concerned that while drivers utilizing this exemption would meet the minimum standards required to pass the commercial driving skill and knowledge test, they would not have the more comprehensive training that is required for drivers who are not operating a commercial vehicle for agribusiness purposes. These training programs are available throughout the state and must be approved by the DOL. The DOL is also concerned that some people might see this exemption as an opportunity to get around the requirements placed on other commercial drivers. Once the drivers received the commercial driver's license they would transport items such as fertilizer and livestock.

The Washington State Patrol is concerned about safety. In the last few years, the Legislature has shown its intent to increase commercial motor vehicle safety. Commercial trucks can carry up to 80,000 pounds of cargo, and in the case of agribusiness, these trucks can be carrying fertilizers or pesticides.

(Opposed) None.

**Persons Testifying:** (In support) Representative Clibborn, prime sponsor; Jim Fitzgerald, FarWest Agribusiness Association; and Jim Lemon, The McGregor Company.

(With concerns) Derek Goudriaan, Department of Licensing; and Jeff DeVere, Washington State Patrol.

**Persons Signed In To Testify But Not Testifying:** None.